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Tricia Leckler

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**TRICIA LECKLER, ON BEHALF
OF HERSELF AND ALL OTHERS
SIMILARLY SITUATED,**

Plaintiffs,

v.

CASHCALL, INC.,

Defendant.

CASE NO.: C 07-04002 SI

CLASS ACTION

**NOTICE OF PLAINTIFF'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT
AGAINST DEFENDANT,
CASHCALL INC.,**

Date: May 2, 2008

Time: 9:00 a.m.

Crtrm: 10, 19th Floor

Judge: Hon. Susan Illston

TO DEFENDANTS AND THEIR ATTORNEY OF RECORD:

PLEASE TAKE NOTICE THAT May 2, 2008 at 9:00 a.m. or as soon thereafter as the matter may be heard in Courtroom 10 (19th Floor) of the above-entitled court, located at 450 Golden Gate Avenue, San Francisco, CA 94102, Plaintiff will move this Court for Partial Summary Judgment, pursuant to Federal Rule of Civil Procedure 56, with respect to the two claims for relief under the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”), as asserted by Plaintiffs.

The Parties have stipulated, through their jointly submitted statement of undisputed facts, that Plaintiff took out a loan from Cashcall and that Cashcall, in its attempt to collect on that loan, violated the TCPA when it contacted Plaintiff on her cellular telephone through the use of an autodialer. Based on the jointly submitted statement of undisputed facts, there are no genuine issues of material fact in dispute as to Plaintiff’s TCPA claims.

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1 This Motion is based on this Notice of Motion and Motion, the attached
2 Memorandum of Points and Authorities, the Parties' Jointly Submitted Statement
3 of Undisputed Facts in Support of the Parties' Cross-Motions for Partial Summary
4 Judgment, the exhibits hereto, Plaintiff's Request for Judicial Notice, all pleadings
5 and records in this action, and such oral argument as the Court may permit at the
6 time of the hearing.

7
8 Dated: March 17, 2008

Respectfully submitted,

9 **LAW OFFICE OF**
10 **DOUGLAS J. CAMPION**

11 By: /s/ Douglas J. Campion
12 Douglas J. Campion
13 Attorneys for Plaintiffs

14 Co-Counsel

15 **HYDE & SWIGART**

16 Dated March 17, 2008

17 By: /s/ Joshua B. Swigart
18 Joshua B. Swigart
19 Attorneys for Plaintiffs